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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,288	06/24/2003	Pierre Albou	1948-4808	3252
27123	7590	08/24/2005		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER CHOI, JACOB Y	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding

Office Action Summary

Application No.

10/603,288

Applicant(s)

ALBOU, PIERRE

Examiner

Jacob Y. Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 6-13 and 16-22 is/are allowed.
- 6) ☒ Claim(s) 5 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

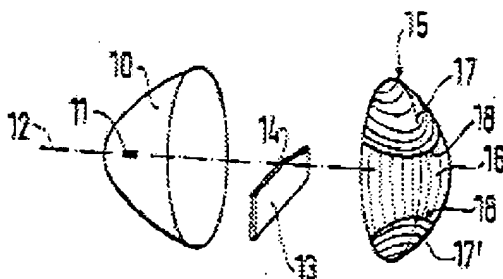
Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Lindae et al. (USPAN 4,796,171).

Regarding claims 5 and 15, Lindae et al. discloses a projection device for a motor vehicle comprising, a reflector (10) a light source (11) producing a set of light signals which can be reflected by the reflector, an exit lens (15) having an entry surface and an exit surface, for producing a light beam, the exit lens (15) comprising a set of protuberances produced on at least one side part of the exit surface of the exit lens (Figures 9a-9d) each protuberances diverting in a given direction a part of the light signals encountering the protuberance, and a shield (13) disposed between the reflector and the exit lens to produce a cutoff in the light beam produced.



Lindae et al. discloses claimed invention, except the specific thickness of protuberances between 0.2 millimeters and 3 millimeters or 0.2 millimeters and 2 millimeters.

Lindae et al. states that the effect of the microelements (58) is the introduction of a desired non-sharpness (substanting) of the light-dark boundary zone of the light beam projected on a driveway.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to specify thickness of the protuberance to increase or decrease the non-sharpness area of the light beam projected, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Response to Amendment

3. Examiner acknowledges that the applicant has canceled claim 14 without prejudice or disclaimer, amended claims 1, 3, 5-7, 9-10, 17-18 and 20 and newly added claims 21-22.

Response to Arguments

4. Applicant's arguments, see pages 7-10, filed 8/9/2005, with respect to claims 1-3, 6-13 and 16-22 have been fully considered and are persuasive. The 35 U.S.C. 102(e) rejections, 35 U.S.C. 102(b) rejections, and 35 U.S.C. 103(a) rejections of 4/20/2005 has been withdrawn.

5. Applicant's arguments regarding claims 5 & 15 filed 8/9/2005 have been fully considered but they are not persuasive.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

In response to applicant's argument that reference Lindae et al. failed to suggest an optimum range of the protuberances, the examiner clearly stated (paragraph 2) the motivation and reasons why discovering the optimum or workable ranges involves only routine skill in the art where the general conditions of a claim are disclosed in the prior art. The determination of thickness is obvious because one in ordinary skill in the art would increase or decrease the size of the protuberances to produce a desired non-sharpness (substanting) of the light-dark boundary zone. In other words, the burden remains with the applicant to show why such variable is critical to the non-sharpness lighting zone.

Allowable Subject Matter

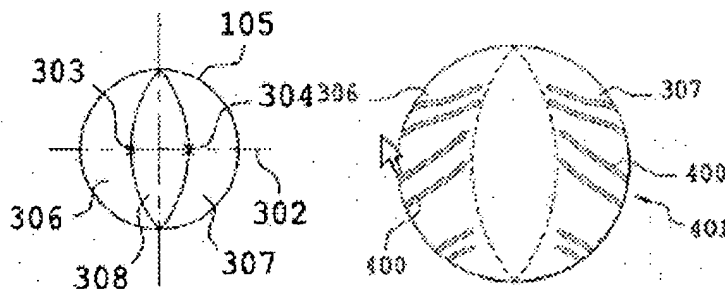
6. The following is a statement of reasons for the indication of allowable subject matter:

Claim 1 recites a projection device for a motor vehicle, comprising, a reflector, a light source, an exit lens, a shield, and a set of protuberances.

Because none of the references disclosed the detail limitations of the protuberances produced solely on the side parts of the exit surface of the exit lens,

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where the exit lens comprises a central part of the exit surface which encompasses a region of the exit surface intersected by a vertical plane defined by an optical axis of the projection device and first and second side parts of the exit surface laterally disposed on opposing side of the central part, nor is there any motivation to combine them, the claims are deemed patentable over the prior art of record.

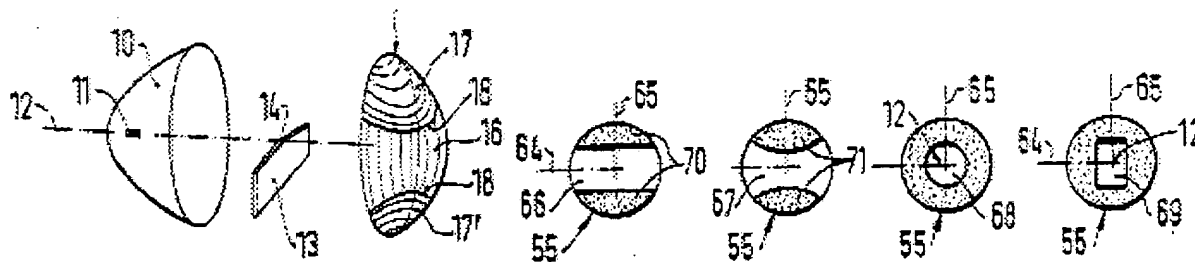


Claim 20 recites a projection device adapted to produce a set of light signals, the device comprising, a light source, a reflector, an exit lens, a shield, and a plurality of modified surface regions.

Because none of the references disclosed the detailed limitations of the surface modified regions are produced solely on the side part of the exit surface of the exit lens, where the exit surface having a central part which encompasses a region of the exit surface intersected by a vertical plane defined by the optical axis and first and second side parts being laterally disposed on opposing sides of the central part, nor is there any motivation to combine them, the claims are deemed patentable over the prior art of record.

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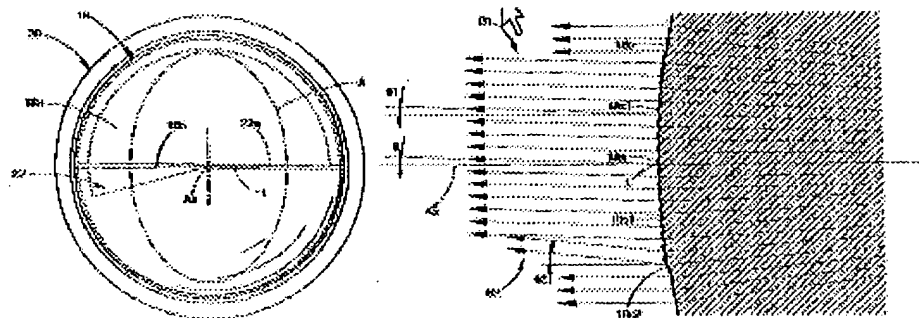
Lindae et al. (USPAN 4,796,171) teaches a reflector (10), a light source (11,12) producing a set of light signals which can be reflected by the reflector, an exit lens (15), comprising an entry surface and an exit surface, for producing a light beam, and a shield (13) disposed between the reflector and the exit lens in order to produce a cutoff in the light beam produced, wherein the exit lens comprises a set of protuberances (Figures 2, 4, 6-8) produced in at least one side part of the exit surface of the lens, each arrangement being able to divert in a given direction a part of the light signals encountering this protuberances, the protuberances being produced on the side parts of the exit surface of the exit lens.



Uchida (USPN 6,416,210) teaches a reflector (14), a light source (12) producing a set of light signals which can be reflected by the reflector, an exit lens (18), comprising an entry surface and an exit surface, for producing a light beam, and a shield (22) disposed between the reflector and the exit lens in order to produce a cutoff in the light beam produced, wherein the exit lens comprises a set of protuberances (Figure 18s) produced in at least one side part of the exit surface of the lens, each arrangement being able to divert in a given direction a part of the light signals encountering this

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protuberances, the protuberances being produced on the side parts of the exit surface of the exit lens.



Claims 1-3, 6-13 and 16-22 are allowed.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y. Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC



JOHN ANTHONY WARD
PRIMARY EXAMINER